

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-CV-23419-HUCK

NANCY S. CASACCA,

Plaintiff,

v.

FRONTIER AIRLINES, INC.,

Defendant.

ORDER REGARDING DEFENDANT'S AFFIRMATIVE DEFENSES

THIS MATTER is before the Court upon a *sua sponte* review of the record. In its Answer and Statement of Defenses [ECF No. 6], Defendant asserts as its first affirmative defense that the “Complaint, in whole or in part, fails to state a cause of action for relief under the FMLA – under either an interference or retaliation theory.” This defense may also be raised by motion. *See* Fed. R. Civ. P. 12(b)(6). It is in the interest of justice that the Court resolve this defense at the earliest possible stage in the proceeding. Accordingly, it is hereby

ORDERED AND ADJUDGED that if Defendant is going to continue to assert that the Complaint fails to state a claim upon which relief may be granted, Defendant shall file the appropriate motion and supporting memorandum of law within 10 days from the date of this Order. If Defendant chooses not to continue to assert this defense, then Defendant shall notify the Court within 10 days.

DONE AND ORDERED in Miami, Florida on November 29, 2022.



PAUL C. HUCK
UNITED STATES DISTRICT JUDGE

CC: All Counsel of Record